

**REMARKS**

**The Amendment**

Applicants have cancelled Claim 49 and Claim 54.

Applicants have added “human” and deleted “at least 95%” in Claim 48. The amendments are supported throughout the application, for instance, on page 60, line 17 of the specification.

No new matter is added in any of the above amendments. The Examiner is requested to enter the amendments and reconsider the application.

**The Response**

**35 U.S.C. §132 Objection**

The Examiner maintains the objection to the amendment filed on October 16 under 35 U.S.C. §132, as the Examiner alleges that it introduces new matter. The Examiner asserts that SEQ ID Nos: 54-62 are not disclosed in the current application as filed.

The sequence listing of SEQ ID Nos: 55, 58, and 62 is deleted.

The undersigned attorney states: SEQ ID NOS: 54, 56, 57, 59, 60, and 61 correspond to the particular accession numbers disclosed in Figure 10 of the current application at the time of filing the application. As a result, the added sequences of SEQ ID Nos: 54, 56, 57, 59, 60, and 61 do not constitute new matter and should be entered.

**35 U.S.C. §112, First Paragraph, Written Description Rejection**

The Examiner maintains the rejection of Claims 48-49, 52, and 54-58 under §112, first paragraph, for alleged lacking of written description. Particularly, the Examiner has objected to 1) the encompassment of “non-human patient” in the claims; and 2) the encompassment of the detection of polynucleotides that encode amino acid sequences other than SEQ ID NO: 25.

Applicants have amended Claim 48 by adding the term “human” and deleting the term “at least 95%”. The amended claims are directed to the detection in a human patient of polynucleotide of SEQ ID NO: 23, which encodes SEQ ID NO: 25. Therefore, the rejection should be withdrawn.

### 35 U.S.C. §103 Rejection

The Examiner maintains the rejection of Claims 48-49, 52, and 55-57 under 35 U.S.C. §103 (a) as being unpatentable over Reed *et al* in view of Khan *et al*.

Applicants have amended Claim 48 by deleting the term "at least 95%". The amended claims are directed to the detection of the level of SEQ ID NO: 23. As SEQ ID NO: 23 is different from SEQ ID NO: 56 and not disclosed and suggested in Reed *et al*, Reed *et al* cannot possibly motivate people skilled in the art to combine Reed *et al* and Kahn *et al* to perform the claimed methods of the present application.

The Examiner maintains the rejection of Claims 48-49, and 52 under 35 U.S.C. §103 (a) as being unpatentable over Reed *et al* in view of Hackl *et al*.

Hackl *et al* do not cure the above-mentioned deficiency. By the same token, Claim 48 is not obvious over Reed *et al* in view of Hackl *et al*.

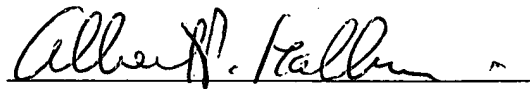
Based on the forgoing arguments, Applicants believe that the §103 rejection should be withdrawn.

### CONCLUSION

Applicants believe that the application is in good and proper condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 463-8109.

Respectfully submitted,

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